

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

OSWALD M. NAFF, )  
                        )  
Plaintiff,         )  
                        )  
v.                     )      Case No. CIV-10-806-D  
                        )  
L.L. YOUNG, *et al.*, )  
                        )  
Defendants.         )

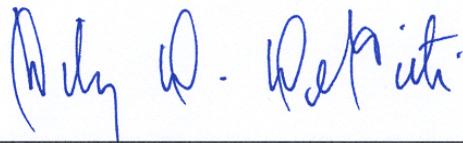
**O R D E R**

This matter is before the Court for review of the Report and Recommendation [Doc. No. 27] issued April 15, 2011, by United States Magistrate Judge Bana Roberts pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). After a thorough analysis of the issues, Judge Roberts recommends that summary judgment be entered on all claims asserted under 42 U.S.C. § 1983 regarding prison conditions due to Plaintiff's failure to exhaust administrative remedies, as required by 42 U.S.C. § 1997e(a), but that Plaintiff's § 1983 claim regarding a prison misconduct conviction should be dismissed without prejudice pursuant to *Heck v. Humphrey*, 512 U.S. 477 (1994), and *Edwards v. Balisok*, 520 U.S. 641 (1997).

Plaintiff has not filed a timely objection to the Report nor requested additional time to object, although he was expressly advised of the right to object, the procedure and deadline for filing an objection, and the consequences of failing to object. Therefore, the Court finds that Plaintiff has waived further review of the issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 27] is ADOPTED in its entirety. Defendants' Motion to Dismiss/Motion for Summary Judgment [Doc. No. 25] is GRANTED, as set forth therein. Judgment shall be entered accordingly.

IT IS SO ORDERED this 13<sup>th</sup> day of May, 2011.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE